IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4928 OF 2004

Sachin Jagdish Chawariya ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr.S.S.Shah for Applicant.

Mr.K.V.Saste, A.P.P. for Respondents.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 6, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Having regard to the seriousness of the offence and the material on record, which clearly indicates the involvement of the Applicant, not a case for bail.

3. Counsel for the Applicant, however,

contends that there is no material to corroborate the allegation made against the Applicant in the First Information Report. There is no substance in this submission. The learned A.P.P. has rightly invited my attention to the statements of Sunita Suresh Kale and Shakuntala Ramesh Kale, who have deposed the circumstances, in which, the deceased was taken away by the persons, and the Applicant has been named as one of those persons. Besides, the complainant, who is the eye witness, has named the Applicant in the First Information Report. Merely because the co-accused in the confessional statements have not referred to the Applicant, does not mean that there is no evidence at all against the Applicant. In the circumstances, this Application fails and the same is rejected.

4. The District Judge, shall assign the trial of the case to the Fast Track Court, if already not assigned, to ensure early disposal of the trial.

A.M.KHANWILKAR, J.